





Atty. Docket No.: 15675.P364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carine NIZARD et al.

Application No.: 09/869,692

Filed: August 27, 2001

For: COSMETIC OR DERMATOLOGICAL

COMPOSITION CONTAINING AN ACTIVE AGENT WHICH STIMULATES SYNTHESIS OF THE PROTEIN HSP 32 IN THE SKIN, AND

COSMETIC TREATMENT METHOD

Ve3 3-24-3

Examiner: Marina Lamm

Art Group: 1616

TECHNER BOOMS

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In response to the outstanding Office Action mailed December 3, 2002, Applicant elects Species (a), corresponding to PCOs. As to the claims readable on the elected species, Applicant notes that the Examiner indicated that Claims 3 and 4 correspond to the elected species and the remaining claims, excepting for Claim 5 are generic and, therefore, also read on the elected species. As to Claim 5, it is Applicant's position that Claim 5 also reads on the elected species since Claim 1 covers:

the use of PCOs or

the use of caffeic acid esters, or use of a mixture of PCO and caffeic acid esters

for the preparation of a composition for activating the endogenous synthesis of HSP 32 or a functional peptide fragment of such a protein.

15675P364 1 SN: 09/869,692

The state of the s

Accordingly, since PCOs may be in mixture with caffeic acid esters, it is submitted that Claim 5, as well as the remaining claims are readable on the elected species.

Marilyn Bas

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: March / o, 2003

Eric S. Hyman, Reg No. 30,139

CERTIFICATE OF MAILING

12400 Wilshire Boulevard, Seventh Floor Los Angeles, California 90025 (310) 207-3800 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 10, 2003.

March 10, 2003

Date